

The Honorable John C. Coughenour
 The Honorable Marsha Pechman
 The Honorable James L. Robart
Noted for Hearing September 7, 2007
Without Oral Argument

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

LUIS TORRES, Individually and On Behalf of
 All Others Similarly Situated,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

NO. 07-CV-1121 JCC

Honorable John C. Coughenour

**DECLARATION OF KEVIN
 COLUCCIO IN SUPPORT OF
 DESIGNATION OF
 STRITMATTER KESSLER
 WHELAN COLUCCIO AS
 INTERIM COUNSEL FOR THE
 PUTATIVE CLASS PURSUANT
 TO FED.R.CIV.P 23(g)(2)(A)**

STEVE CARLIE, Individually and On Behalf of
 All Others Similarly Situated,

Plaintiff,

vs.

MICROSOFT CORPORATION, a Washington
 Corporation

Defendant.

No. 07-CV-1132 CMP

Honorable Marsha J. Pechman

[CAPTION CONTINUES ON NEXT PAGE]

**DECLARATION OF KEVIN COLUCCIO IN SUPPORT OF DESIGNATION OF STRITMATTER
 KESSLER WHELAN COLUCCIO AS INTERIM COUNSEL FOR THE PUTATIVE CLASS
 PURSUANT TO FED.R.CIV.P 23(g)(2)(A) - 1**

CHRISTINE MOSKOWITZ and DAVID WOOD,)
Individually and On Behalf of All Others)
Similarly Situated,)

No. 07-CV-1270

Honorable John C. Coughenour

Plaintiff,)

vs.)

MICROSOFT CORPORATION, a Washington)
Corporation)

Defendant.)

HEIDI LING, As Parent and Natural Guardian of)
ROBERT LING, III, , Individually and On Behalf)
of All Others Similarly Situated,)

No. 07-CV-1271

Honorable James L. Robart

Plaintiff,)

vs.)

MICROSOFT CORPORATION, a Washington)
Corporation)

Defendant.)

JUSTIN HANSON, Individually and On Behalf)
of All Others Similarly Situated,)

No. 07-CV-1295

Honorable James L. Robart

Plaintiff,)

vs.)

MICROSOFT CORPORATION, a Washington)
Corporation)

Defendant.)

KEVIN COLUCCIO declares as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of
Washington, and am a shareholder in the law firm of Stritmatter Kessler Whelan Coluccio.

2. I have personal knowledge of the matters stated herein and if called to testify thereto I

**DECLARATION OF KEVIN COLUCCIO IN SUPPORT OF DESIGNATION OF STRITMATTER
KESSLER WHELAN COLUCCIO AS INTERIM COUNSEL FOR THE PUTATIVE CLASS
PURSUANT TO FED.R.CIV.P 23(g)(2)(A) - 2**

1 could and would competently do so.

2 3. I am an attorney admitted to practice in the state of Washington, and am one of the
3 attorneys in the case of *Carlie v. Microsoft Corporation*, United States District Court for the
4 Western District of Washington case number 07-CV-1132 CMP and in the case of *Hanson v.*
5 *Microsoft Corporation*, United States District Court for the Western District of Washington case
6 number 07-CV-1295 JLR.

7 4. I submit this Declaration in support of the joint motion by Plaintiffs in the above-
8 captioned actions to appoint the firms of Stritmatter Kessler Whelan Coluccio, Chitwood Harley
9 Harnes, LLP, The Hodkin Kopelowitz Ostrow Firm, P.A., Kabateck Brown Kellner LLP, Keller
10 Rohrback LLP, Krause Kalfayan Benink and Slavens, LLP, and Wasserman Comden &
11 Casselman, LLC as interim counsel to act on behalf of the putative class pursuant to
12 Fed.R.Civ.P. 23(g)(2)(A).

13 5. Our firm has extensive experience in class actions. For example, Paul L. Stritmatter,
14 another shareholder in the firm, was lead counsel in the consumer class action filed against the
15 Behr Process Corporation in the state of Washington, entitled *Smith, et al. v. Behr Process*
16 *Corporation*, Superior Court, Grays Harbor County, State of Washington, Cause No. 98-2-
17 00635-4. The class counsel designated by the Honorable David S. Foscue included my law firm,
18 Stritmatter Kessler Whelan Coluccio (including both of our offices in Hoquiam and Seattle,
19 Washington) and Edwards & Hagen of Aberdeen, Washington. The case went to trial and a
20 verdict in favor of the class was obtained. I too was one of the trial counsel for the *Behr* case and
21 handled discovery issues. We have been class counsel for several other class actions which have
22 been successfully resolved. We currently are class counsel for several pending class actions.

23 6. The legal experience of Paul L. Stritmatter, one of the attorneys in the *Carlie* case is

24 **DECLARATION OF KEVIN COLUCCIO IN SUPPORT OF DESIGNATION OF STRITMATTER
KESSLER WHELAN COLUCCIO AS INTERIM COUNSEL FOR THE PUTATIVE CLASS
PURSUANT TO FED.R.CIV.P 23(g)(2)(A) - 3**

1 set forth in a résumé attached and marked as Exhibit A. He has extensive litigation experience.
2 He has spent a good deal of his legal career in service to the bar association and to his
3 community. He has been recognized on numerous occasions both for the quality of his legal
4 work and the service he has performed to various bar associations and the community. His
5 reputation as a lawyer performing such services is very good. He has been recognized by
6 *Washington Law and Politics* as a “super lawyer” in the state of Washington for many years,
7 including in their recent publication. He is a past president of the Washington State Bar
8 Association, the Washington State Trial Lawyers Association and Public Justice (former Trial
9 Lawyers Public Justice). He is rated AV by Martindale Hubble.

10 7. I also have extensive litigation experience. I have been recognized as a Super Lawyer
11 each year since 2000. I am also involved in numerous legal organizations including the
12 Washington State Trial Lawyers Association, American Association of Justice and Public
13 Justice. I have previously served as a board member for the Washington State Trial Lawyers
14 Association. I am also rated AV by Martindale Hubble.

15 8. In addition to Mr. Stritmatter and myself, three (3) other shareholders in our firm,
16 Brad Moore, Garth Jones and Ray Kahler will be involved in the litigation of the claims alleged
17 against defendant Microsoft. They have all been involved in class actions pursued by our firm
18 and all three of them have extensive litigation experience.

19 9. Stritmatter Kessler Whelan Coluccio has the experience and resources to prosecute
20 this case through trial, if necessary. The attorneys at Stritmatter Kessler Whelan Coluccio have
21 successfully completed a number of bench and jury trials in complex cases obtaining numerous
22 million dollar and multi-million dollar verdicts. Many of the firms shareholders have received
23 awards for their trial skills and successes. Our firm is one of the State’s most recognized

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PURSUANT TO FED.R.CIV.P 23(g)(2)(A) - 4**

1 litigation firms and we are highly regarded for both our trial skills and ethics.

2 10. Stritmatter Kessler Whelan Coluccio currently has 10 attorneys, nine paralegals and
3 numerous other staff members. The firm routinely incurs out-of-pocket expenses in excess of
4 hundreds of thousands of dollars in preparing cases for trial. All of these resources will be
5 committed as needed to the representation of the putative class in this litigation.

6 11. To date, our firm has spent a significant amount of time and effort investigating,
7 researching and otherwise pursuing this action.

8 I declare under penalty of perjury under the laws of the States of America that the
9 foregoing is true and correct.

10 DATED at Seattle, Washington, this 20th day of August 2007.

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24 KEVIN COLUCCIO, WSBA 16245

DECLARATION OF KEVIN COLUCCIO IN SUPPORT OF DESIGNATION OF STRITMATTER
KESSLER WHELAN COLUCCIO AS INTERIM COUNSEL FOR THE PUTATIVE CLASS
PURSUANT TO FED.R.CIV.P 23(g)(2)(A) - 5

RESUME OF
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Education

Hoquiam High School, 1961
University of Washington, B.A. Economics, 1966
Willamette University College of Law, J.D. Magna Cum Laude, 1969

Professional Experience

Admitted to Washington State Bar Association, 1969
Washington State Supreme Court Law Clerk for Justice Matthew Hill, 1969
Washington State Supreme Court Law Clerk for Justice Charles F. Stafford,
1970
Municipal Court Judge for City of Ocean Shores, 1971-_____
Admitted to U.S. District Court, Western District of Washington, 1973
Admitted to Supreme Court of the United States of America, 1988
Private practice in Hoquiam, Washington from 1970 with father,
Lester O. Stritmatter, until he passed away in 1982.
Presently practicing law with Keith L. Kessler, Paul W. Whelan, Michael E. Withey,
Kevin Coluccio, Brad J. Moore, Garth L. Jones, Ray Kahler, Peter O'Neil and Reed
Schiffman

General Legal Memberships

Washington State Bar Association

(1)

ExH A

Washington State Trial Lawyers Association
Association of Trial Lawyers of America
American Bar Association
American Academy of Hospital Attorneys
American Judicature Society
Trial Lawyers for Public Justice

Invitational Legal Memberships

American College of Trial Lawyers - Membership is by invitation only and is limited to no more than one percent of trial lawyers in each state who have demonstrated outstanding ability in trial of courtroom cases as recognized by fellow lawyers and judges.

American Board of Trial Advocates - Membership is by invitation only and is limited to lawyers demonstrating actual trial experience and success in trial advocacy.

International Society of Barristers - Membership is by invitation only and is limited to lawyers who have distinguished themselves as outstanding in the field of advocacy. Membership is less than 600 throughout the world.

International Academy of Trial Lawyers - Membership is by invitation only and is limited to 500 U.S. lawyers whose skills and abilities in trial and appellate practice are of an exceptionally high degree, whose character and integrity are unimpeachable, and who have actively contributed to the promotion of the highest standards and techniques of advocacy.

Damage Attorneys Round Table - Membership is by invitation only and is limited to outstanding plaintiff personal injury trial lawyers of the State of Washington.

American Bar Foundation - Membership is by invitation only and is limited to not more than one-third of one percent of the lawyers of the state, and is extended only to those lawyers who are recognized as having attained outstanding achievement.

American Society of Barristers - Membership is by invitation only and is limited to those who meet high standards of experience and proficiency.

Offices Held

Chairman, *Access to Justice Board*, appointed by Washington State Supreme Court, 1994-1998.

Chairman, *Northwest Justice Project*, 1996-1997.

President, *Washington State Bar Association*, 1993-1994; Board of Governors, 1987-1990.

President, *Washington State Trial Lawyers Association*, 1984-1985; President-Elect, 1984; Vice-President, 1983; Board of Directors, 1978-1982, 1986-1996; Secretary, 1977; Chair of Past President's Council, 1994-1996.

President, *Damage Attorneys Round Table*, 1989-1992.

Washington Pattern Jury Instruction Committee, appointed by Washington State Supreme Court, 1985-1990.

Founder, *Trial Lawyers for Public Justice*, 1982; Treasurer, 1985-1987; 1998-2000; Board of Directors, 1983-_____; Vice President, 2000-2001; President Elect, 2001-_____.

Board of Governors, *Association of Trial Lawyers of America*, 1990-1993; State Delegate, 1986-1990; Public Affairs Committee, 1985-1987; State Development Fund Board, 1985-1986; Advisory Task Force to States, 1985-1986; Circuit Key Men Committee, 1985-1986; Committee on Ethics, 1987-1993.

Board of Directors, *WSTLA Foundation*, 2000-_____.

Board of Directors, *International Academy of Trial Lawyers*, 1998-_____.

Board of Directors, *LAW Fund*, 1990-_____; Secretary, 1990-1998.

Board of Directors, *Washington State Head Injury Foundation*, 1990-1993.

Task Force on Gender and Justice, appointed by Washington State Supreme Court, 1987; Gender Bias Implementation Task Force, 1990-1992.

Washington State Supreme Court Domestic Relations Commission, 1996-1998.

Board of Governors, *LAWPAC*, 1986-1993.

Honors Received

Named one of the top 25 Super-Duper Lawyers by *Washington Law & Politics* in 2000

"av" rating (individual and firm) Martindale-Hubble Law Directory since 1975 (the highest rating possible).

Alvin Anderson Award from Washington State Trial Lawyers Association in 2000.

1995 Award of Merit, from Washington State Bar Association, its highest award given "In recognition of his leadership and the many years of service on boards, committees and task forces, and for his dedication to providing access to justice for all citizens of the State of Washington."

Willamette University's 1994 Distinguished Alumni Award in Law.

Finalist for 1991 National Trial Lawyer of the Year by Trial Lawyers for Public Justice.

First TLPJ Cooperating Attorney Award - 1991.

One of Washington's Best Lawyers as listed by *Washington Law* - May, 1991.

One of Washington's ten top Winningest Lawyers as listed by *Washington Law* - September, 1991.

Special Award of Honor from Washington State Bar Association - September, 1990.

Poulsbo Bar Association "Small Town Lawyer Made Good" Award, 1990, "For many contributions to the legal profession and extraordinary success as a small town lawyer".

Listed in *The Best Lawyers in America*, all editions since 1989, published by Woodward/White, Inc.

Trial Lawyer of the Year Award from Washington State Trial Lawyers Association, 1987.

Hoquiam High School Grizzly Alumni Honor Roll, 1986.

Justice Brandeis Award from Washington State Trial Lawyers Association, 1982.

Grays Harbor Legal Secretaries Association "Boss of the Year", 1977-1978.

Listed in *Who's Who in American Law* since 1986.

Listed in *Who's Who in American Society* since 1986.

Listed in *Who's Who of Emerging Leaders in America* since 1988.

Listed in *Who's Who in Practicing Attorneys* since 1990.

Listed in *Who's Who Among Outstanding Americans* since 1994.

Significant Trial Results

1. *Smith, et al. v. Behr Process Corporation*, class action verdict for the benefit of potentially tens of thousands of customers in Grays Harbor County Superior Court, 2000. Breach of warranty and Consumer Protection Act violation case for defects in clear coatings for exterior wood surfaces. The products promoted rather than prevented growth of mildew. The nine class representatives received verdicts from a low of \$24,000 to a high of \$97,000. Applied to the entire class, the case could result in awards in the hundreds of millions of dollars.
- 2.. *Brown v. Yamaha*, verdict for \$10,000,000.00 in Grays Harbor County Superior Court, 1983. For 11 years it stood as the largest personal injury verdict in the state and still stands as the second largest personal injury jury award in Washington State court history. Product liability case for failure to provide a kill switch. Fifteen-year-old plaintiff rendered a spastic quadriplegic.
3. *Mazzei v. Industrial Seating, Inc.*, verdict for \$2,517,030.69 in Grays Harbor County Superior Court, 1996. Product liability case on behalf of a 37-year-old worker who herniated a disc in his back resulting in a failed back syndrome.
4. *Greene v. Pierce County*, verdict for \$5,466,878.23 in Pierce County Superior Court, 1994. Second largest personal injury jury verdict in the history of the County. Highway design case for failure to have a stop sign at a railroad crossing. Plaintiff suffered a head injury and was blinded in the crash.
5. *Cutshaw v. Weyerhaeuser*, verdict for 22 representative plaintiffs that equated to \$7,400,000 for all 241 plaintiffs in Grays Harbor County Superior Court, 1993. Toxic tort claim for neighborhood exposure to sulfur gases from pulp mill wastewater treatment ponds.
6. *Fraser v. Beutel*, verdict for \$6,149,641.34 in Kittitas County Superior Court, 1987. The largest personal injury jury award in the history of the County. Alcohol

overserving and negligent entrustment of a vehicle. Young mother suffered a severe head injury.

7. *Breivo v. City of Aberdeen*, verdict for \$214,000.00 in Grays Harbor County Superior Court, 1974. Was largest personal injury award in Grays Harbor County history at that time. Highway design case.
8. *Foster v. Bylund*, verdict for \$60,000.00 in Grays Harbor County Superior Court, 1971. Was largest personal injury jury award in Grays Harbor County history at that time. Leg injury to 12-year-old bicyclist.
9. *Hoffner v. Puget Sound Power and Light*, verdict for \$123,403.61 in Kittitas County Superior Court, 1987. Was the largest personal injury jury award in Kittitas County at that time. Rotator cuff injury to 64-year-old pedestrian.
10. *Boyd v. United States*, verdict for \$350,415.14 in Federal Court, 1989. Federal Tort Claims Act case for slight head injury.
11. *Merriam v. American States*, arbitration award for \$500,000.00 in 1991. Auto collision resulting in loss of a kidney and loss of a spleen.
12. *Hinchee v. Crum & Foster*, arbitration award for \$486,000.00 in 1988. Auto collision resulting in fractured hip, bladder and facial injuries.

Significant Appellate Results

1. *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636, 771 P.2d 711 (1989). Successfully challenged the constitutionality of a ceiling on damages imposed by the 1986 legislature. As a result, there are no longer limits on recoveries by injured people in Washington State.
2. *Lundgren v. Whitney's, Inc.*, 94 Wn.2d 91, 614 P.2d 1271 (1980). Established a cause of action for loss of consortium for a wife in personal injury cases in the State of Washington.
3. *Kanning and Evans v. Thompson*, 124 Wn.2d 435, 879 P.2d 938 (1994). Established the "Dual Persona" doctrine in Washington whereby an employee may sue his employer where the employer owns land as a separate legal entity.
4. *Guzman v. Amvac Chemical Corp.*, August 24, 2000. Established right, under the Washington Product Liability Act, to rely on an alternative product to show that

the challenged product's risks outweigh the adverse effects of using an alternative design.

5. *British Columbia Ministry of Health v. Homewood*, 93 Wn. App. 702, 970 P.2d 381 (1999). Re-established under the doctrine of equitable subrogation that an insurer is not entitled to be paid from the third party recovery of a tort victim who does not obtain full compensation.
6. *Breivo v. City of Aberdeen*, 15 Wn. App. 520, 550 P.2d 1164 (1976). One of the earliest cases regarding roadway design that established significant law in the State of Washington on governmental roadway liability.
7. *Bernethy v. Walt Failor's, Inc.*, 97 Wn.2d 929, 653 P.2d 280 (1982). Established the liability of any gun dealer who provides a gun to an intoxicated person.
8. *Brown v. Yamaha*, 38 Wn. App. 914, 691 P.2d 577 (1984). Re-established the distinction between negligence and strict liability claims as separate and nonexclusive theories of liability for plaintiffs.
9. *Hudson House, Inc. v. Rozman*, 82 Wn.2d 178, 509 P.2d 992 (1973). Established the applicability of equitable principles to the allocation of accreted lands to property owners. Became the lead case in the annotation of 61 ALR 3d 1173 (1975) "Right to Accretion Built Up From One Tract of Land Extending Laterally in Front of Adjoining Tract Without Being Contiguous Thereto".
10. *Louderback v. Labor & Industries*, 19 Wn. App. 138, 575 P.2d 246 (1978). Established the relevant criteria by which a heart attack may be an industrial injury.
11. *Connor v. Universal Utilities*, 105 Wn.2d 168, 712 P.2d 849 (1986). Established that due process does not require notice of a hearing to determine the amount of a default judgment in a personal injury case.

Significant Settlement Results

1. Numerous product liability cases arising out of defective products, including:
 - a. *Carpenter v. North Thurston School District*, \$2,000,000 settlement in 1999 against soccer goal manufacturer and school district for defects in goal which fell on Plaintiff while doing chinups, resulting in significant closed-head injury;

- b. *Vancil v. Undisclosed*, \$3,250,000 settlement in 1996 against a major national manufacturer for failure to have a safety device on a piece of industrial equipment for the benefit of a worker who suffered a severe closed-head injury;
 - c. *Homewood v. Aaby, et al.*, \$2,550,000 settlement in 1995 for paralysis of a young woman from an auto collision plus an additional undisclosed amount from Toyota for a seat belt design failure;
 - d. *Barker and Coleman v. Teco, Dana and Columbia Body and Equipment*, \$2,450,000 settlement in 1994 for failure of a hydraulic manlift used by P.U.D. workers;
 - e. *Van Vleck v. Crown Mobile Homes, Inc.*, \$255,000 settlement in 1988 for formaldehyde exposure;
 - f. *Land v. Fibreboard, et al.*, \$400,000 settlement in 1987 for asbestos case involving death of 67-year-old man;
 - g. *Quick v. Pierce-Pacific, et al.*, \$275,000 settlement in 1987 for loss of an eye in a 67-year-old man injured by a valve from a piece of logging equipment on the job.
2. Numerous highway design cases arising out of design and construction defects or failure to maintain highways, including:
- a. *Reed v. City of Spokane*, \$1,000,000 settlement in 2000;
 - b. *Legier v. Mason County*, \$1,750,000 settlement in 1999;
 - c. *Gray v. City of Shelton*, \$2,500,000 settlement in 1998;
 - d. *Wingo v. State of Washington*, \$1,450,000 settlement in 1996;
 - e. *Lane v. State of Washington*, \$560,000 settlement in 1996;
 - f. *Wallila v. State of Washington*, \$835,000 settlement in 1988;
 - g. *Starks v. Grays Harbor County*, \$800,000 settlement in 1987;
 - h. *Hipps v. Grays Harbor County*, \$1,150,000 settlement in 1986;

- i. *Alison v. City of Olympia*, \$225,000 settlement in 1982;
 - k. *Reese v. State of Washington*, \$230,000 settlement in 1976.
3. Numerous Labor and Industry third-party cases on behalf of workers injured on the job, including:
- a. *Stockinger v. Paschen*, \$670,000 settlement in 1992 for death of 40-year-old worker;
 - b. *Deslongchamps v. Queen City Helicopters*, \$245,000 settlement in 1985 for back injuries to workman injured on the job;
 - c. *Rose v. CIG, Inc.*, \$490,000 settlement in 1985 for injury to workman from fall on job site.
4. Several liquor liability cases imposing liability on bars and taverns, including:
- a. *Denny v. Houghton Distributing*, \$1,250,000 settlement in 1990 for paralysis from an auto collision after mini-mart sold beer to minors;
 - b. *Fraser v. Beutel*, \$1,702,641 settlement in 1987 from two of four defendants for a young woman hit by a drunk driver who had been overserved in a cocktail lounge and a liquor store.
5. Several burn injury cases, including:
- a. *Moore v. International Harvester*, \$2,700,000 settlement in 1993 in a product liability case for burns to a 19-year-old young man;
 - b. *Smedley v. Straw & Begley*, \$121,500 settlement in 1984.
6. Several premises liability cases, including:
- a. *Evans v. Safeway*, \$400,000 settlement in 1999 for fall in parking lot causing fracture to knee;
 - b. *Kanning and Evans v. Thompson*, \$1,850,000 settlement in 1997 for deaths of two workers who went down a manhole and were asphyxiated.

- c. *Roberts v. Miles*, \$400,000 settlement in 1987 in a diving incident on Lake Washington;
- d. *Durham v. City of Chelan*, \$500,000 settlement in 1983 for slip and fall in a public park.
- 7. *Lane v. Alaska Airlines*, \$400,000 settlement in 1973 arising out of Juneau air crash of an Alaska Airlines flight.
- 8. *Pentt v. Kellog*, \$200,000 settlement in 1979 for motorcycle-truck collision.
- 9. *Graves v. Trefz*, \$175,000 settlement in 1983 for the negligence of an insurance agent in failing to provide proper and adequate underinsured motorist coverage.
- 10. *Doyle v. Doyle*, \$404,500 settlement in 1984 for loss of leg below the knee of a 56-year-old woman as a result of a car-pedestrian injury.
- 11. *Cole v. Kingsley*, \$335,000 settlement in 1985 for death of young woman in auto collision.
- 12. *Lewis v. Hartford*, \$385,000 settlement in 1986 for head injury in car-bicycle collision.
- 13. *Kuoppamaki v. Epsilon Gamma Foundation*, \$1,500,000 settlement in 1990 for paralysis from fraternity rush function diving event.
- 14. *Buenrostro v. Washington Apple Advertising Commission and McCann*, \$617,500 settlement in 1991 for fraud and negligent misrepresentation to migrant farm workers in radio advertisements regarding the 1987 apple harvest in Eastern Washington.
- 15. *Porter v. United Pacific*, \$235,000 settlement in 1992 for back surgery in an auto case.
- 16. *Evans v. Wahlukee Hay Co.*, \$500,000 settlement in 1992 for death of 47-year-old man.
- 17. *Dussault v. Midcentury Insurance Co.*, \$2,825,000 settlement in 1992 for bad faith of an insurance company arising out of an auto collision resulting in a severe closed-head injury.

18. *Linnabary v. City of Seattle*, \$400,000 settlement in 1997 for fractured hip of man who fell into city transfer station.
19. *Fiala-Clark v. Kentucky Fried Chicken*, \$500,000 settlement in 1997 for forcing pedestrian off sidewalk with sprinkler resulting in truck/pedestrian collision.
20. *Jackson v. WSU*, \$2,525,000 settlement in 1997 for loss of arm and temporary paralysis of legs in an auto rollover.
21. *Gould v. Westgate*, \$1,200,000 settlement in 1998 for partial loss of colon and back fractures in auto collision.
22. *Yielding v. Klingler*, \$1,150,000 (policy limits) settlement in 1998 for significant lower leg circulation problem from auto collision.
23. *Huntington v. Atkinson*, \$1,050,000 (policy limits) settlement in 1999 for paraplegia from auto rollover.
24. *Benjamin and LaCasse v. Bandringa, et al.*, an undisclosed amount in 2000 for occupational asthma contracted by two nurses working in an MRI office from mold.
25. *Curtis v. Boys and Girls Club of Bellevue*, a \$530,000 settlement in 2000 for various injuries to a pedestrian hit by a van.
26. *Schultz and Underdahl v. State of Washington*, an \$8,800,000 settlement in 2001 for negligent supervision of a parolee by the Department of Corrections resulting in rape and murder of one victim and assault of another.
27. *Lau v. Crew Shuttle, Inc.*, a \$2,160,000 (policy limits) settlement for a closed-head and other injuries to a pedestrian hit by a van and then a vehicle.
28. *Peck v. King County*, a \$1,000,000 settlement in 2001 for contracting CIDP from a tetanus shot given in the ordinary course of necessary medical treatment as a result of a motorcycle/deputy sheriff vehicle collision.
29. *Molitor v. Heaverlo*, a \$1,660,000 settlement (policy limits), plus additional contingent payments, for a 23-year-old T-4 paraplegic injured in a vehicle rollover.

Published Articles

Presumptions in the Washington Supreme Court, 5 Gonzaga Law Review 198, 1970.

Chapter author for Washington Community Property Deskbook, 1977.
Roadside Hazards, III Washington State Trial Lawyers Association Law Journal 69, 1979.

Masters, Cross-Examination, Trial, August 1986.

Chapter author for Washington Auto Accident Deskbook, *Highway Design, Abutting Landowners and Public Utilities*, 1987.

Trial Talk, The Psychology of Cross-Examination, Colorado Trial Lawyers Association, May 1987; *The Coffee-house, The Psychology of Cross-Examination*, Wyoming Trial Lawyers Association, Summer, 1987.

Tactical Decisions in a Personal Injury Case, ATLA Monograph Series, 1988.

Chapter author for Washington Civil Procedure Deskbook, *Entry of Judgment*, 1992.

Chapter co-author for Washington Civil Procedure Deskbook, *Trial Preparation and Trial: Effective Voir Dire/Jury Selection*, 1998

Lecturer

WSBA - *Trial Practice Section*, September 1976 - "Roadside Hazards".

WSTLA - *Proof & Persuasion in Personal Injury Cases*, June 1977 - "Evaluation of the Case".

WSTLA - *Insurance Law Potpourri*, December 1977 - "Subrogation".

WSTLA - *Sophisticated Settlement Techniques*, September 1978 - "Preparation and Use of a Settlement Brochure".

Willamette College of Law Trial Advocacy, Presiding Judge, November 1978.

Pacific Northwest College of Advocacy, June 1979 - "Use of a Trial Notebook".

WSTLA - *Top Dollar Damages and Settlements*, October 1980 - "Potpourri".

WSTLA - Midwinter Stressbreak, February 1981 - "Roadside Hazards - An Update".

WSBA - *Fundamental Trial Practice: Back to Basics*, October 1981 - "Presentation of Evidence".

WSTLA - *Winning in Court*, February 1982 - "The Winning Opening Statement".

WSTLA - *Punitive Damages*, March 1982 - "Tort of Outrage".

WSTLA - Midwinter Stressbreak, March 1982 - "The Use of Motions in Limine".

Idaho TLA - *An Institute on Tort Liability, Advocacy & Collectibility*, May 1982 - "The Tort of Outrage".

WSBA - *Discovery 1982*, October 1982 - "Use and Abuse of Protective Orders".

ATLA - *Retainer to Verdict*, October 1983, Vancouver, B.C. - "Acceptance of the Case".

WSTLA - *Top Dollar Damages*, March 1984 - "Damages for the Seriously Injured".

WSTLA - *Settlements & Negotiations*, April 1984 - "Settlement Brochures".

Western TLA - *Trial Tactics: Retainer to Verdict*, June 1984 - "Motions Practice".

ATLA Convention, July 1984 - "Motorcycles".

WSTLA - *Premises Liability*, March 1985 - "Example of Slip and Fall in a Public Park".

Oregon TLA - *Product Liability Litigation*, March 1985 - "Preparation and Trial of a Product Case".

WSTLA - *College of Advocacy in Kauai*, March/April 1985 - "Trial Tactics and Strategy".

WSTLA - *What To Do When Seminar*, June 1985 - "Guardian ad Litem is Needed".

WSTLA Convention, July 1985 - "Prejudgment Interest on Special Damages".

Washington Association of Defense Counsel - *How to Beat a Strong Defense*, July 1985 - "Closing Argument".

ATLA Convention - *Belli Seminar - Highlights in Advocacy*, July 1985 - "Presenting Damages for the Severely Injured".

WSTLA - *Psychology of Trial*, October 1985 - "Psychology of Cross Examination".

WSTLA - *Handling the Head Injury Case*, November 1985 - "Handling the Severe Head Injury Case: The Attorney as Part of the Rehabilitation Team".

WSTLA - *A Little Help For Our Friends*, December 1985 - "Revisiting Prejudgment Interest on Special Damages".

WSTLA Convention, July 1986 - "Life Expectancy".

University of Washington School of Law - *Appellate Advocacy: Practice and Procedure*, September 1986 - "Oral Argument Demonstration".

WSTLA - *Demonstration of a Trial*, December 1986 - "Opening Statement".

WSTLA - *Premises Liability*, March 1987 - "Recreational Immunity Statute".

WSTLA Convention, July 1987 - "Subrogation - The Primary Intent of the Law".

WSBA - *Washington Motor Vehicle Accident Deskbook*, February 1988 - "Highway Design, Abutting Landowners and Public Utilities".

WSTLA - *Jury Instructions*, April 1988 - "WPI and Damages".

Poulsbo CLE - *Survival in Small Town Practice VII*, August 1988 - "Effective Trial Techniques".

WSTLA - *Demonstration of a Trial*, December 1988 - "Examination of Defendant Employee Demonstration".

WSTLA - *Insurance Law*, January 1989 - "Effective Discovery in Bad Faith Cases".

WSTLA - *Winning in Court*, May 1989 - "Use of Motions in Limine", "The Winning Opening Statement", "A Closing Argument to Make the Jury Pay".

WSTLA - *Jury Instructions*, June 1989 - "Damage Instructions".

WSTLA - *Demonstration of a Trial*, December 1989 - Overall Chair.

Washington Defense Trial Lawyers - *Use and Abuse of Expert Witnesses*, March 1990 - "Plaintiff's View of Experts".

ABA - *Taking Depositions*, March 1990 - "Special Problems of Videotaped Depositions".

WSTLA - *Demonstration of a Trial*, April 1990 - Spokane Overall Chair.

ATLA - *Rising Stars*, May 1990 - "Psychology of Cross Examination".

Poulsbo CLE - *Survival in Small Town Practice IX*, August 1990 - "Effective Trial Techniques".

WSBA - *Oral Advocacy Skills for the Experienced Trial Lawyer*, October 1990 - "Closing Argument".

WSTLA - *Demonstration of a Trial - Defining Your Style in the Courtroom*, December 1990 - Overall Chair.

WSBA - *Million Dollar Arguments*, October 1991 - "A Demonstration".

WSTLA - *Abolition of Joint and Several*, October 1991 - "Gunwall analysis and analysis of the Preamble".

WSTLA - *Demonstration of a Trial*, December 1991 - Overall Chair.

PEMCO - *Insurance Seminar*, February 1993 - "Bad Faith - A Case Study".

ACTL - *University of Washington Law School seminar by American College of Trial Lawyers* - December 1993 - "Opening Statements".

WSBA - *Ethics, Professionalism & Client Communications*, September 1994 - "Professionalism".

Vancouver B.C. Trial Lawyers - *Trial Without Error*, October 1994 - "Computer Generated Evidence".

Snohomish County Bar - *Injury Without Insult*, November 1994 - "Survey of Liquor Liability in Washington".

ATLA National College of Advocacy - *Environmental and Toxic Torts: Current Controversies and Trial Strategies*, May 1995 in San Francisco - "Toxic Waste Sites and Contamination- Personal Injury and Property Damage Overview".

KCBA and Washington Journal - *Bridging the Gap*, December 2, 1995 - "Representing Plaintiffs".

University of Washington - *2nd Annual Northwest Trial Mastery Demonstration Program - Deciding Whether to Take the Case*, June 17, 1997, "How to Improve Your Initial Client Interviews & Intake Procedures"

WSTLA - *Best of WSTLA Series: Openings, Closings and Presenting Damages*, September 10, 1996, "Presentation and Demonstration of Damages and Closing Statements"

Washington Attorney General's Conference - September 11, 1997, "Keeping the Faith: Restoring Trust in the Legal Profession"

ACTL - *Trial Lawyer's Greatest Hits '97*, December 19, 1997, "The Fine Art of Opening Statement

WSBA - *Winning Strategy for the Successful Private Practice*, September 24, 1998, "Practicing Law with Civility"

University of Washington - *Dean's Roundtable Luncheon*, November 4, 1998, "Representing Plaintiffs"

WSTLA - *Trial Masters Seminar*, December 10, 1999, "Damages in Mediation and Negotiations"

ATLA - *Annual Convention*, July 29, 2000, "Why I'm a Trial Lawyer"

WSTLA - *The Paris Seminar - Continuing Legal Education*, September 28, 2000, "The Ultimate Sanction/ A Case Study"

Dated: 2/22/01